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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Kosovo

Report of the Secretary-General

I. INTRODUCTION

1. At its forty-ninth session, the General Assembly adopted resolution 49/204 of 23 December 1994, by which it requested the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the Assembly.

2. In addition, the Commission on Human Rights, in its resolution 1995/89 of 8 March 1995, demanded, inter alia, that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate with the Organization for Security and Cooperation in Europe (OSCE) by enabling the latter's long-term mission to resume its activities immediately; and urged the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo. 1/

3. Furthermore, the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1995/10 of 18 August 1995 on the situation of human rights in Kosovo, reiterated the request of the Commission for the establishment of a monitoring presence in the area (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. II, sect. A).

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II. ACCESS BY UNITED NATIONS HUMAN RIGHTS MISSIONS TO THE TERRITORY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

4. In the light of serious allegations of human rights violations and the history of tensions among the communities in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) in general, and in the Kosovo region in particular, various efforts have been made since 1992 to establish a human rights monitoring presence. The most recent of those efforts are described below.

5. On 28 April 1995, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, wrote a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) requesting a visit to the country and the establishment of an office in Belgrade, in accordance with paragraph 36 of Commission on Human Rights resolution 1995/89. No reply was received to that request.

6. In a letter dated 12 June 1995, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) extended an invitation to the United Nations High Commissioner for Human Rights to visit the country in the course of 1995, with a view to acquainting himself with the human rights situation there.

7. The High Commissioner, in his reply dated 25 July 1995, expressed regret that the Government had not granted permission for a visit by the Special Rapporteur. The High Commissioner offered to establish a dialogue between the Special Rapporteur, the Commission's expert responsible for the special process dealing with missing persons in the territory of the former Yugoslavia and the Government.

8. In subsequent conversations with the Permanent Representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the United Nations Office at Geneva, the High Commissioner repeatedly stressed that cooperation with the human rights mechanisms was essential.

9. On 12 September 1995, a high-level delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro), headed by the Federal Minister and Federal Coordinator for Activities in the Humanitarian Field, visited the United Nations High Commissioner for Human Rights. During their discussions, the Federal Minister reiterated the invitation of his Government to the High Commissioner to visit the Federal Republic of Yugoslavia (Serbia and Montenegro), emphasizing that his country was open to all those who wanted to obtain a first-hand view of his Government's respect for human rights.

10. At the same meeting, the High Commissioner reiterated his earlier request that cooperation be extended to the Special Rapporteur of the Commission on Human Rights and the Commission's expert responsible for the special process dealing with missing persons in the territory of the former Yugoslavia. He also stressed the need for full cooperation with the field officers of the Centre for Human Rights.

11. Mr. Tadeusz Mazowiecki resigned at the end of July. On 27 September, the Chairman of the Commission on Human Rights appointed Mrs. Elisabeth Rehn (Finland) as Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia. Mrs. Rehn conducted her first mission to the region from 9 to 15 October 1995.

12. The Special Rapporteur visited Belgrade on 13 October 1995. During meetings with the Minister for Foreign Affairs and the Federal Minister for Human Rights, she requested the opening of an office of the Centre for Human Rights to assist her in the gathering and analysis of information on the human rights situation in all parts of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Minister for Human Rights replied that a written proposal should be submitted to the authorities for proper consideration.

13. On 17 October 1995, the Special Rapporteur addressed a letter to the Federal Minister for Human Rights, in which she recalled that the Centre for Human Rights had been able to establish field offices at Zagreb, Sarajevo, Mostar and Skopje. She stated that it was indeed indispensable to establish a similar presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to obtain direct access to information concerning the human rights situation. Without that arrangement, her ability to present reliable and objective reports would be seriously hampered. Therefore, she strongly recommended that field officers of the Centre for Human Rights be granted unimpeded access to the entire territory of the Federal Republic of Yugoslavia (Serbia and Montenegro).

14. At the time of the writing of the present report, no reply has been received from the Federal Republic of Yugoslavia (Serbia and Montenegro).

III. ACCESS BY THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

15. On 14 August 1992, by a decision of the Fifteenth Committee of Senior Officials, the then Conference on Security and Coopertion in Europe (CSCE) established a mission of long duration in Kosovo, Sandjak and Vojvodina, Federal Republic of Yugoslavia (Serbia and Montenegro), which had as its tasks: (a) to promote dialogue between authorities concerned and representatives of the communities in the three regions (Kosovo, Sandjak and Vojvodina); (b) to collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems; (c) to establish contact points for solving problems that might be identified; and (d) to assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

16. The mission maintained its presence in Kosovo for 10 months. It carried out its mandate with the formal consent and support of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) in accordance with a memorandum of understanding signed on 28 October 1992.

17. Following the decision by CSCE to suspend the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Government withdrew its

formal consent for the mandate of the mission. The CSCE mission of long duration ceased its operations in July 1993. 2/

18. Since its departure, CSCE (now OSCE), the Security Council and the General Assembly have made repeated requests to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the reinstatement of the mission of long duration. The position of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) has been that reinstatement is not possible until its full participation in OSCE is resumed.

IV. CONCLUSION

19. With the renewed willingness of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the United Nations High Commissioner for Human Rights and with the Special Rapporteur of the Commission, the establishment of an international monitoring presence in the territory appears to be more attainable.

20. The possibility of establishing an office of the Centre for Human Rights in Belgrade will be actively pursued by the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission as an initial step in building a human rights monitoring presence with specific regard to the situation in Kosovo, as requested by the General Assembly in resolution 49/204.

Notes

1/ Official Records of the Economic and Social Council, 1995, Supplement No. 3 (E/1995/23 and corrigenda), chap. II, sect. A.

2/ See Final Report of the CSCE Mission, No. 14/93, of 6 August 1993.